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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/767,988 | 01/29/2004 | Richard K. Riefe | DP-309068 | 5335 |

27305 7590 10/13/2005

HOWARD & HOWARD ATTORNEYS, P.C.
THE PINEHURST OFFICE CENTER, SUITE #101
39400 WOODWARD AVENUE
BLOOMFIELD HILLS, MI 48304-5151

EXAMINER

WEBB, TIFFANY LOUISE

ART UNIT PAPER NUMBER

3616

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/767,988

Applicant(s)

RIEFE ET AL.

Examiner

Tiffany Webb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-25 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/28/2004
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

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DETAILED ACTION

Priority

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:
Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c).

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "18" has been used to designate both steering guides and steering tubes. The examiner suggests that if the guides and tubes are the same item, the applicant should clarify such in the specification starting in Paragraph 20, line 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 102 and 126. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to because in Figure 7, reference character 172 for pyrotechnic devices does not look any different from what is described and shown in Figure 8 and represented with reference character 168. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement

sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities:
 - a. Par. 18, line 6: Reference character 12 should be replaced with 22.
 - b. Par. 22, line 7: Reference character 40 should be replaced with 42.
 - c. Par. 27, line 10: Reference character 52 should be replaced with 54.
 - d. Par. 29, lines 5-6: Figure 1 does not contain the reference characters described. The examiner suggests changing to "As shown in Figure 2, the release bracket 74 is disposed in engagement with the upper block 62."
 - e. Par. 30, line 2 and 4: S-, M-, and J- straps are not described. The examiner suggests defining the structure of the straps.
 - f. Par. 32, line 6: "actuates or more" is improper language. The examiner suggests changing to "actuates one or more."
 - g. Par. 39, line 1: "Referring again to Figure 5" is incorrect for the description of items that follows. The examiner suggests changing to "Referring to Figure 8."
- Appropriate correction is required.

Claim Objections

6. Claim 3 is objected to because of the following informalities: in line 2, "in fixed relationship" should be changed to "in a fixed relationship." Appropriate correction is required.
7. Claim 5 is objected to because of the following informalities: in line 1, "comprises" should be changed to "comprise." Appropriate correction is required.
8. Claim 12 is objected to because of the following informalities: in line 4, "the second predetermined collapse force" should be changed to "a second predetermined collapse force." Appropriate correction is required.
9. Claim 7 is objected to because of the following informalities: in line 5, the last word "and" should be removed. Appropriate correction is required.
10. Claim 23 is objected to because of the following informalities: in line 2, it is unclear what is meant by "disposed in at least one pair on either side." Appropriate correction is required.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 7-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 is unclear because the claims states "being spaced from and on opposite sides of said guide bracket, whereby said guide bracket is spaced along said steering tubes from and between said front and rear brackets." The examiner suggests clarifying the position of the brackets because the claim describes the position of the guide bracket in two ways.

Claim 21 is unclear because it states "movement of said steering mechanism and said knee bolster respectively relative to said guide bracket." It is unclear what is meant by "respectively relative."

Claim 22 recites the limitation "wherein said energy absorber system includes a first anvil-strap device interconnecting said steering tubes and said upper block" in lines 1-2. The parent claims for claim 22 do not include an upper block. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Guiard et al. (US 6,149,196). Regarding claim 1, Guiard et al. discloses a collapsible steering assembly including a stationary guide bracket (72 and 74), a steering mechanism (40), and a steering support including guide rods (82 and 84) arranged in a non-parallel relationship to the steering mechanism axis. Further, Guiard et al. teaches that this

system collapses in response to application of a predetermined force to said steering mechanism (col. 2, lines 15-20). Regarding claim 2, Guiard et al. discloses a plurality of shear elements (52) interconnecting the guide rods and the guide bracket. Regarding claim 3, Guiard et al. discloses a guide bracket supporting guide rods in a fixed relationship (see Figure 3). Regarding claim 4, Guiard et al. discloses having guid rods that are straight (82 and 84).

Allowable Subject Matter

15. Claims 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

16. Claims 7-25 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, and U.S.C 102(b), set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are collapsible steering mechanisms: Badaire et al. (US 6,382,670) and De Verdier et al. (US 6,241,284). Riefe (US 2004/0046379 A1) discloses a steering column with tubular structure. Nouwynck et al. (US 6,283,508) discloses a knee bolster protection device including deformation rods. Rybinski (US

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5,690,363) discloses an energy absorbing mounting bracket for within a steering assembly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany Webb whose telephone number is 571-272-2797. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

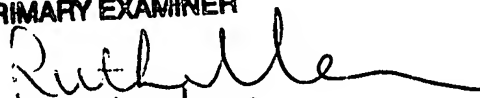
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tiffany Webb
Examiner
Art Unit 3616

tlw

**RUTH ILAN
PRIMARY EXAMINER**


10/11/05